

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 82 of 1995
in
SPECIAL CIVIL APPLICATIONNo 2877 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER and
MR.JUSTICE S.D.PANDIT

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1. Whether Reporters of Local Papers may be allowed
to see the judgements ? NO

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2. To be referred to the Reporter or not ? NO
3. Whether Their Lordships wish to see the fair copy
of the judgement ? NO
4. Whether this case involves a substantial question
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder ? NO
5. Whether it is to be circulated to the Civil
Judge ? NO

TK CHAUHAN

Vs.

SURAT BHURACH GRAMIN BANK

Appearance:

MR PB MAJMUDAR for Petitioner

CORAM : MR.JUSTICE C.K.THAKKER and
MR.JUSTICE S.D.PANDIT

Date of decision: 23/04/96

ORAL JUDGEMENT

After holding regular Departmental Inquiry, the
appellant {original petitioner} was found guilty at the
inquiry. Punishment of stoppage of two annual increments

was imposed on him. Appeal filed against that Order came to be dismissed by the appellate-authority. Being aggrieved by the said Order, Appellant preferred a petition before this Court, which also came to be disposed of by the learned Single Judge on December 15, 1993.

It was contended by the learned counsel for the appellant that Regulation 30 (3) of Surat Bharuch Gramin Bank (Staff) Service Regulations, 1984 provides that Officer of the Bank must be appointed as Enquiry Officer and he must hold the inquiry. In the instant case, that provision has not been complied with, hence the order is illegal. Inspite of appointing officer of the Bank, the officer who was sent on deputation and was working with the Bank was appointed as an Inquiry Officer. The learned Single Judge held that if no prejudice is caused to the delinquent by appointment of such officer, the inquiry would not get vitiated inasmuch as the ultimate decision to impose penalty is taken by the Disciplinary authority, on the findings reached by the Inquiry Officer.

In our opinion, the reasoning of the learned Single Judge cannot be said to be contrary to law. When an Officer was working on deputation, he can be said to be an officer of the Bank at that time. In that view of the matter, we do not see any substance in this Letters Patent Appeal, and hence, this LPA stands dismissed with no order as to costs.

Prakash*